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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,223

07/22/2003

Jeff Hodson

6065-88620

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24628

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09/21/2006

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EXAMINER

LU, CHARLES EDWARD

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/624,223	HODSON ET AL.	
	Examiner	Art Unit	
	Charles E. Lu	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment/Response to Arguments***

1. This Action is in response to the amendment dated 8/2/2006. Claims 1-30 are pending. Claims 1-30 are rejected.
2. Amendment to the specification is noted. Objection to the specification is withdrawn.
3. Amendment to the title is noted. Objection to the title is withdrawn.
4. Remarks concerning objection to the drawings have been noted. Objection to the drawings is withdrawn.
5. Remarks concerning the 35 U.S.C. 101 rejection have been noted. Rejection of claims 13-30 under 35 U.S.C. 101 is withdrawn.
6. Applicant's arguments have been fully considered. However, amendments to the claims necessitate new grounds of rejection presented below.

### ***Claim Rejections - 35 USC § 103***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 1-5, 7-9, 11, 13-17, 19-21, 23, 25-28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilbacher et al of record (U.S. Patent 6,724,887).**

**As to claim 1**, Eilbacher teaches the claimed subject matter including:

Compiling performance reports (col. 10, ll. 50-62) in a contact center (fig. 5, #201) serving a plurality of clients (fig. 3, #100) using a plurality of agents (fig. 3, #104);

Opening a transaction file (col. 10, ll. 28-44) for saving information about exchanges (col. 6, ll. 1-8) between an agent of the plurality of agents and a client of the plurality of clients;

Measuring indicia of activity for asynchronous Internet transactions (e.g., satisfactory or unsatisfactory experience, col. 12, ll. 54-55, or various captured data, col. 10, ll. 27-44) for the exchanges between the agent and client.

Adding the measured indicia of activity to the transaction file (col. 12, ll. 54-64, col. 11, ll. 50-54, col. 10, ll. 27-61); and

Compiling a report based upon the transaction file (col. 9, ll. 57-67, col. 12, ll. 54-64).

As to the teaching of asynchronous transactions, see fig. 5, #202 and related description). An email transaction is such a transaction because it is an intermittent transaction in which data is created and then transmitted, consistent with the description in Applicant's specification (p. 10).

Eilbacher does not expressly teach a duration value for asynchronous transactions, which reflects effort associated with each transmission within each transaction.

However, Eilbacher discloses recording a start/end time of a communication (e.g., col. 8, ll. 52-62). Using this data, duration of a communication can be determined (col. 12, l. 45). Eilbacher further discloses that communication can include e-mails (col. 6, ll. 1-7), and Internet transactions (col. 3, ll. 45-60). As discussed above, e-mails are asynchronous.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above, such that a duration value is recorded with Internet email communications, and the email communications are treated like telephone communications. The duration value would reflect effort associated with the transaction, as it takes effort for an agent or customer to type an email. The motivation would be to facilitate analysis of a customer's email experience (see col. 11-12). For example, if an email takes a long time to type, a customer's experience may be stressful (col. 11, ll. 20-40, col. 12).

**As to claim 2**, Eilbacher as modified above further teaches wherein the step of opening the transaction file further comprises detecting an initial contact between the agent and the client (e.g., caller initiated transaction, col. 9, ll. 10-20), and tagging subsequent transmissions as belonging to the transaction (col. 9, l. 10-50). Note that the tagging has to occur or else the system would not know what communications to group together into a customer experience (col. 9-10).

**As to claim 3**, Eilbacher as modified above teaches identifying a prior contact of an agent involving the client (col. 13, ll. 1-40, col. 5, ll. 22-25). Contacts of an agent are stored in a database (col. 10, ll. 27-44).

Eilbacher does not expressly teach wherein a prior contact list of the agent is searched to identify prior contacts, or wherein the searching is performed when the initial contact is detected between the agent and client.

However, Eilbacher teaches detecting initial contact (using cradle to grave recording, col. 9, ll. 14-20), and storing the agent's communications in a database (col. 10, ll. 28-44). The database stores the customer and the agent (col. 10, ll. 36-39), and marks unsatisfactory communications (col. 11, ll. 51-53).

Official notice is taken that at the time the invention was made, it was conventional to store information in a list and search a list.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above teachings, such that unsatisfactory contacts with customers (Eilbacher, col. 11, ll. 51-53) are stored in a list. The motivation would have been to facilitate knowing if the agent had a previous

conversation(s) with the customer (by searching a smaller list, instead of potentially the entire customer database), and to inform the agent when contact is established that he/she is speaking to a customer with a previous unsatisfactory experience, as taught by Eilbacher (col. 5, ll. 22-25).

**As to claim 4**, Eilbacher as modified above further teaches wherein the step of measuring the indicia of activity further comprises counting a number of exchanges between the agent and the client (e.g., number of conversations or number of transfers, col. 10, ll. 13-17).

**As to claim 5**, Eilbacher as modified above further teaches wherein the exchanges comprise email (see fig. 5 and related text).

**As to claim 7**, Eilbacher as modified above further does not expressly teach how much time has elapsed between successive transmissions of each asynchronous transaction.

However, Eilbacher teaches a "wait time" col. 6, ll. 35-40 and measuring the amount of time a customer is on hold (see description for figs. 2-3). The time on hold can be an elapsed time between successive communications. Eilbacher also teaches recording start/end times for communication, and states that all data associated with customer-agent communication can be recorded (col. 8, ll. 50-65).

Since e-mail conversations are to be treated like phone conversations as discussed above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above, such that elapsed time between successive transmissions of asynchronous transactions are determined and

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recorded. The motivation would have been to facilitate customer experience analysis, taught by Eilbacher (col. 11, col. 6, ll. 35-40).

**As to claims 8, 9 and 11**, Eilbacher as modified above further teaches segregating exchanges between the agent and client from other exchanges between other agents and other clients (col. 10, ll. 36-44), and from other exchanges between the agent and the client (using a time stamp for an exchange between agent and client, col. 10, l. 37), further comprising correlating an identifier of the agent and client with the transaction file (i.e., customer and agent identification, col. 10, ll. 36-37). Since every transaction is marked by a time stamp, agent name, customer name, etc., each exchange is segregated from other exchanges between agents and other clients, as well as the agent and the client, because the other transactions are marked with different time stamps, agent names, and customer names.

**As to claim 19**, Eilbacher as modified above further teaches wherein word content of each exchange is used to differentiate among transactions (e.g., col. 12, ll. 20-27). In this case, if one email contains a certain number of key words, and another email does not, then the first email would be different from the second (the first email would be a “stressful” one, and the second would not).

**As to claim 26**, Eilbacher as modified above further teaches “selection processor...initial contact” as seen in claim 2 above, and determining a type for each transaction, and attaching a time stamp to each transmission within a transaction (col. 10, ll. 27-45).



**Claims 13-17, 20-21, 23, 25, 27-28 and 30** are drawn to substantially the same invention as claims 1-6, 8-9, and 11. Therefore, claims 13-17, 20-21, 23, 25, 27-28 and 30 are rejected based upon the same reasoning as stated above in the rejection of claims 1-6, 8-9, and 11.

**8. Claims 6, 18, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilbacher et al of record (U.S. Patent 6,724,887) in view of Ichbiah (U.S. Patent 5,623,406).**

**As to claim 6 and claim 18**, Eilbacher as modified above does not expressly teach wherein the duration value is determined based upon the character length of the transmission.

However, Ichbiah states that a skilled typist can be expected to enter around 40-70 words per minute (col. 1, ll. 20-30). Words are a certain number of characters in length. Ichbiah also states that normal speech is about 100 words per minute.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above, such that a duration (time) value is calculated based on the character or word length of the transmission, or the rate of speech (i.e. how long a message would have required if it had been spoken). The motivation would have been to regulate the time spent typing a message, and to encourage typists to type messages at an expected speed. This would facilitate increasing overall efficiency of call center operations.

**As to claim 29**, Eilbacher as modified by Ichbiah teaches using proportionality to calculate an equivalent time of effort. For example, if a skilled typist can be expected to

type around 40-70 words per minute, and a message is 100 words long, then using proportionality, duration of time to type the message can be calculated.

**9. Claims 10, 12, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilbacher et al of record (U.S. Patent 6,724,887) in view of Schroeder et al of record (U.S. Patent 6,760,727).**

**As to claim 10**, Eilbacher as modified above does not expressly teach wherein correlating an identifier of the agent and client with the transaction file further comprises matching e-mail addresses of the agent and client to e-mail addresses within the transaction file.

However, Schroeder teaches, in a call center environment, matching e-mail addresses of the agent and client to e-mail addresses within a transaction file (fig. 1b, col. 17, l. 25 – col. 18, l. 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above teachings, such that email addresses of the agent and client are matched to email addresses within the transaction file. The motivation would have been to facilitate information retrieval from a variety of customers without regard to the particular format of the information, as taught by Schroeder (col. 18, ll. 22-25).

**As to claim 12**, Eilbacher does not expressly teach wherein segregating exchanges between the agent and client from other exchanges between the agent and client further comprises correlating a subject matter identifier field of the exchanges with a subject matter identifier of the transaction file.

However, Schroeder teaches correlating a subject matter identifier field of exchanges (reply subject, fig. 1b) with a subject matter identifier of a transaction file (orig. subject, fig. 1b, col. 17, l. 25 – col. 18, l. 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eilbacher with the above teachings, such that a subject matter identifier field of the exchanges is correlated with a subject matter identifier of the transaction file. The motivation would have been to facilitate information retrieval from a variety of customers without regard to the particular format of the information, as taught by Schroeder (col. 18, ll. 22-25).

**Claims 22 and 24** are drawn to an apparatus claiming the same invention as method claims 10 and 12. Therefore, claims 22 and 24 are rejected based upon the same reasoning as stated above in the rejection of claims 10 and 12.

### ***Conclusion***

10. Due to Amendment, new grounds of rejection were presented. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

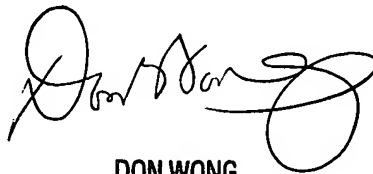
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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A handwritten signature in black ink, appearing to read 'Don Wong', with a large, stylized loop at the end.

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9/15/2006